

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE ENROLLED ACT No. 6

AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 13-11-2-38.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 38.5. "**Conditionally exempt small quantity generator waste**", for purposes of IC 13-20-20 and IC 13-25-4, means waste generated by a conditionally exempt small quantity generator (as defined in 40 CFR 261.5).

SECTION 2. IC 13-11-2-104 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 104. (a) "Household hazardous waste", for purposes of IC 13-20-20 **and IC 13-21**, means hazardous waste generated by households. ~~that:~~

- (1) is ignitable (as defined in 40 CFR 261.21);
- (2) is toxic (as defined in 40 CFR 261.24);
- (3) is reactive (as defined in 40 CFR 261.23);
- (4) is corrosive (as defined in 40 CFR 261.22); or
- (5) otherwise poses a threat to human health or the environment.

(b) "Household hazardous waste", for purposes of IC 13-21, means solid waste that:

- (1) is generated by households; and
- (2) consists of or contains materials that are ignitable, corrosive, reactive, or toxic.

(c) For the purposes of subsection (b), a material is:

- (1) "ignitable" if the material has the quality of ignitability (as

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defined in 40 CFR 261.21);

(2) "corrosive" if the material has the quality of corrosivity (as defined in 40 CFR 261.22);

(3) "reactive" if the material has the quality of reactivity (as defined in 40 CFR 261.23); and

(4) "toxic" if the material has the quality of EP toxicity (as defined in 40 CFR 261.24);

SECTION 3. IC 13-20-20-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) The department shall provide financial assistance to units and districts through matching grants awarded under this chapter for projects involving the collection, **and recycling, or** disposal of household hazardous waste **and conditionally exempt small quantity generator waste.**

(b) Grants awarded under this chapter shall be funded:

(1) from the hazardous substances response trust fund established by IC 13-25-4-1 if money is available under IC 13-25-4-4; **and**

(2) **from the solid waste management fund established by IC 13-20-22-2.**

(c) Units and districts may join in any combination for the purposes of the following:

(1) Implementing a project.

(2) Applying for a grant under this chapter.

SECTION 4. IC 13-20-20-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. A grant may be awarded under this chapter to a unit or district that has developed a household hazardous waste **or conditionally exempt small quantity generator waste** collection, **and recycling, or** disposal project that does the following:

(1) Provides educational literature describing the hazards associated with household hazardous waste **and conditionally exempt small quantity generator waste.**

(2) Uses a licensed hazardous waste ~~transportation~~ service to:

(A) collect;

(B) handle;

(C) pack;

(D) transport; **and or**

(E) dispose of;

collected household hazardous waste **and conditionally exempt small quantity generator waste.**

(3) Allows and encourages participation from all households within a designated household hazardous waste **or conditionally exempt small quantity generator waste** collection area that is

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specified in the grant application.

SECTION 5. IC 13-20-20-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) After a grant applicant has developed a plan under section 2 of this chapter, the applicant may apply for a grant under this chapter on forms prepared and supplied by the department.

(b) A grant application must include the following:

(1) A statement describing a project's scope of activities and objectives that identifies persons responsible for project planning, coordination, and implementation.

(2) A map specifying the area to be served by the project that includes the locations of household hazardous waste **and conditionally exempt small quantity generator waste** collection sites.

(3) A description of proposed information and educational activities designed to inform households of the opportunity to participate in the project.

(4) A description of safety and security measures that will be implemented during the project.

(5) A budget showing all estimated project costs that includes ineligible project costs and eligible project costs as described under section 4 of this chapter.

(6) A resolution by the legislative body (as defined in IC 36-1-2-9) of a unit or the board of directors of a district involved in the project that does the following:

(A) Authorizes the project and the grant application.

(B) Expresses the specific intent to carry out all proposed project activities described in the grant application.

(C) Allows department employees to have access to and inspect proposed household hazardous waste **and conditionally exempt small quantity generator waste** collection sites involved in the project.

(D) Commits the applicant to do the following:

(i) Maintain appropriate records that document all expenditures made during the project.

(ii) Submit to the department a final report describing all project activities, achievements, and problems that compares the actual project to the objectives and activities proposed in the grant application, including samples of all informational and educational brochures prepared and distributed and data on the household participation rates, waste quantities collected by category, documentation of all costs, and

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recommendations for project improvements.

- (E) Contains a timetable for completion of the project that:
 - (i) does not exceed ~~twelve (12)~~ **twenty-four (24)** months; and
 - (ii) includes anticipated dates of information and educational activities, waste collection, and submission of final reports.
- (F) Commits the applicant to provide all funding required to implement and administer the project, not including the grant award.
- (G) Commits the applicant to develop a proposed plan for a permanent household hazardous waste **or conditionally exempt small quantity generator waste** program that includes sources of funding and a timetable for implementation.
- (H) Commits the applicant to develop a proposed plan for a permanent household hazardous product program designed to educate the public as to nonhazardous and nontoxic substitutes for hazardous household products.

SECTION 6. IC 13-20-20-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) Estimated project costs submitted under section 3(b)(5) of this chapter must include the following:

- (1) Eligible project costs.
- (2) Ineligible project costs.
- (b) Project costs that are ineligible for grant funding may not be used to fulfill a grantee's match requirement. A grantee is responsible for all project costs except the costs funded by a grant.
- (c) Ineligible project costs include the following:
 - (1) Costs incurred before the approval of a grant.
 - (2) Costs incurred more than ~~twelve (12)~~ **twenty-four (24)** months after a grant has been accepted.
 - (3) Costs incurred by a grantee that exceed original estimated eligible project costs indicated in a grant application.
 - (4) Other costs that are not specifically related to a project as determined by the department.
- (d) Eligible project costs may be:
 - (1) used to fulfill the grantee's match requirement; and
 - (2) funded by the grant.
- (e) Project costs that are not ineligible under subsection (c) are eligible project costs for purposes of subsection (d).

SECTION 7. IC 13-20-20-8 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) In determining the priority of grant applications under this chapter, the department shall first consider an applicant's demonstrated commitment to an annual household hazardous waste **or conditionally exempt small quantity generator waste** collection, **and recycling, or** disposal project. The department shall consider evidence of the following in making the department's determination under this subsection:

(1) A resolution by the applicant that the applicable community is committed to undertaking annual action to promote the proper collection, **and recycling, or** disposal of household hazardous waste **or conditionally exempt small quantity generator waste**.

(2) An educational project sponsored by the applicant concerning the potential dangers associated with household hazardous waste **or conditionally exempt small quantity generator waste**, including instructions for the proper methods of handling, storage, **and recycling, or** disposal of household hazardous waste **or conditionally exempt small quantity generator waste**.

(3) Sponsorship or participation in other projects that relate to the collection, **and recycling, or** disposal of household hazardous waste **or conditionally exempt small quantity generator waste**, including projects developed or sponsored by civic organizations or private foundations.

(4) An educational project by the applicant concerning nonhazardous and nontoxic substitutes for hazardous household products.

(b) If the department determines that one (1) or more applicants demonstrate substantially similar commitment levels under subsection (a), the department shall give priority to the application the department received first.

SECTION 8. IC 13-20-20-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. The board ~~shall~~ **may** adopt rules under **this chapter in accordance with IC 4-22-2 to implement this chapter and IC 13-14-9**.

SECTION 9. IC 13-20-22-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The state solid waste management fund is established to provide money for the following:

(1) Programs that provide grants and loans that provide education and promote the following:

- (A) Recycling and the use of recycled materials.
- (B) Waste reduction.
- (C) Management of yard waste.



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(2) Providing grants to implement household hazardous waste source reduction or recycling projects.

(3) Providing grants for household hazardous waste and conditionally exempting small quantity generator waste collection, recycling, or disposal projects under IC 13-20-20.

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) The sources of money for the fund are the following:

- (1) All fees deposited into the fund under section 12(2) of this chapter.
- (2) Accrued interest and other investment earnings of the fund.
- (3) Appropriations made by the general assembly.
- (4) Gifts and donations from any person to the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 10. IC 13-25-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) The hazardous substances response trust fund is established. The purpose of the fund is to accumulate and maintain a source of money for the following purposes:

- (1) Financing contracts or cooperative agreements between the state and the President of the United States under Section 104 of CERCLA (42 U.S.C. 9604).
- (2) Providing state assistance in the form of supplies, materials, services, and equipment to:
 - (A) prevent the release of a hazardous substance or contaminant; or
 - (B) control, contain, isolate, neutralize, remove, store, or dispose of any hazardous substance or contaminant already released into or on the air, land, or waters of Indiana.
- (3) Financing response actions that are:
 - (A) undertaken or authorized by the commissioner with respect to sites in Indiana; and
 - (B) considered by the commissioner to be necessary to protect the public health or welfare or the environment from the release or threatened release of a hazardous substance or contaminant.
- (4) Paying expenses related to releases of regulated substances other than petroleum from underground storage tanks under



IC 13-23-13-7.

(5) Paying administrative and personnel expenses incurred by the state in responding to releases or threats of releases of hazardous substances or contaminants.

(6) Paying claims for the reimbursement of necessary response costs incurred by persons that have received preauthorization from the commissioner for reimbursement.

(7) Providing grants for household hazardous waste **and conditionally exempt small quantity generator waste** collection, ~~and recycling, or~~ disposal projects under IC 13-20-20.

(8) Paying administrative and personnel expenses incurred by the department in implementing and administering household hazardous waste **and conditionally exempt small quantity generator waste** collection, ~~and recycling, or~~ disposal projects under IC 13-20-20.

(9) Transferring funds to the environmental remediation revolving loan fund established by IC 13-19-5-2.

(b) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 11. IC 13-25-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) The department shall do the following:

(1) Prepare an annual budget to provide for administrative and personnel expenses from the fund.

(2) Submit the budget to the budget committee in accordance with IC 4-12-1.

(b) The general assembly must appropriate the money in the fund to be used for administrative and personnel expenses before expenditure of the money. The commissioner shall order all other expenditures from the fund with the approval of the governor and the budget agency.

(c) Not more than ~~two hundred fifty~~ **four hundred fifty** thousand dollars ~~(\$250,000)~~ **(\$450,000)** of the fund is available to the department each year to fund grants awarded under IC 13-20-20, exclusive of administrative and personnel expenditures authorized by section 1(a)(8) of this chapter.

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